



Home of the Tualatin River National Wildlife Refuge

SHERWOOD CITY COUNCIL MEETING MINUTES
22560 SW Pine St., Sherwood, Or
April 1, 2014

EXECUTIVE SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:00 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, and City Recorder Sylvia Murphy.

4. TOPICS:

- A. Labor Negotiator Consultations, pursuant to ORS 192.660(2)(d).

5. ADJOURN:

Mayor Middleton adjourned the Executive Session at 6:32 pm and convened to a work session.

WORK SESSION

1. **CALL TO ORDER:** Mayor Middleton called the meeting to order at 6:33 pm.
2. **COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
3. **STAFF PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Community Development Director Julia Hajduk, IT Manager Brad Crawford and City Recorder Sylvia Murphy.

4. **OTHERS PRESENT:** Metro Councilor Craig Dirksen.

5. TOPICS:

A. Metro Update.

Mr. Dirksen presented a power point presentation, (see record, Exhibit A) and answered Council questions that were previously provided. Mr. Dirksen briefly recapped his presentation.

6. ADJOURN:

Mayor Middleton adjourned the work session at 6:59 pm and convened to a regular Council meeting.

REGULAR SESSION

- 1. CALL TO ORDER:** Mayor Middleton called the meeting to order at 7:08 pm.
- 2. PLEDGE OF ALLEGIANCE:**
- 3. COUNCIL PRESENT:** Mayor Bill Middleton, Council President Linda Henderson, Councilors Krisanna Clark, Bill Butterfield, Matt Langer, Robyn Folsom and Dave Grant.
- 4. STAFF AND LEGAL COUNSEL PRESENT:** City Manager Joseph Gall, Assistant City Manager Tom Pessemier, Police Captain Ty Hanlon, Community Development Director Julia Hajduk, Public Works Director Craig Sheldon and City Recorder Sylvia Murphy. City Attorney Chris Crean.

Mayor Middleton addressed the Consent Agenda and asked for a motion.

5. CONSENT AGENDA:

- A. Approval of February 25, 2014 City Council Meeting Minutes**
- B. Approval of March 4, 2014 City Council Meeting Minutes**
- C. Approval of March 18, 2014 City Council Meeting Minutes**
- D. Resolution 2014-019 Authorizing the City Manager to sign a Memorandum of Agreement (MOA) with the State Building Codes Division for the renewal of an assumed Building Inspection Program**
- E. Resolution 2014-020 Authorizing the City Manager to execute a contract with Ogletree Deakins to provide labor attorney services to the City of Sherwood**

MOTION: FROM COUNCILOR CLARK TO ADOPT THE CONSENT AGENDA, SECONDED BY MAYOR MIDDLETON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Prior to the Mayor addressing the next agenda item, Councilor Folsom requested to amend the agenda and move Citizen Comments to the end of the agenda due to the amount of Council business. She clarified to move comments to be heard after Council Announcements.

Mayor Middleton responded not after Council Announcements, but can be moved to be heard before Council Announcements. Ms. Folsom reiterated her request to amend and move Citizen Comments to the end of the Agenda. Mayor Middleton responded no.

Councilor Grant stated if this is a motion, he seconded the motion.

City Attorney Chris Crean clarified and stated the order of events can be changed by 2/3 majority of the Council which in this case would be 5. He said there is a motion and it has been seconded.

Mayor Middleton restated the motion.

MOTION: FROM COUNCILOR FOLSOM TO AMEND THE AGENDA TO MOVE CITIZEN COMMENTS TO THE END OF THE AGENDA, SECONDED BY COUNCILOR GRANT. MOTION PASSED 5:2, (HENDERSON, FOLSOM, GRANT, LANGER AND BUTTERFIELD IN FAVOR), (MIDDLETON AND CLARK OPPOSED).

Mayor Middleton addressed the next agenda item.

6. PRESENTATIONS

A. Proclamation, April 7-13, 2014 as Arbor Week

Mayor Middleton read the proclamation and informed of a tree planting event sponsored by the City that will be held on April 3 at the Stella Olson Park Big Fir Trail Head at 3:30 pm, entrance on 2nd Street and Park Street. He noted that in 1872 the first Arbor Day was observed in Nebraska with the planting of more than a million trees and is now observed throughout the nation and the world and said the Arbor Day Foundation facilitates Tree City USA Certifications. He stated the City of Sherwood has been a Tree City USA since 2005 and this is its ninth year as a Tree City and said that trees properly planted and cared for are a source of community environment that assists in mental and peaceful renewal. He proclaimed April 7-13, 2014 as Arbor Week 2014 in the City of Sherwood and called upon the citizens of Sherwood and the surrounding communities to celebrate Arbor Week and to support efforts to protect trees and woodlands and to plant trees and promote the well-being of this and future generations.

Mayor Middleton addressed the next agenda item.

B. Proclamation, April 21-26, 2014 as National Community Development Week

Mayor Middleton read a portion of the proclamation and stated the City has received a total of \$2,228,482.00 in Community Development Block Grant (CDBG) funds. He stated the week of April 21-26, 2014 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program. He stated the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and sanitary housing, a suitable living environment and economic opportunities to low and moderate-income people. He said nationally, over one million units of affordable housing have been completed using HOME funds. He stated that this community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program.

Mayor Middleton addressed the next agenda item.

7. NEW BUSINESS

A. Ordinance 2014-007 Declaring certain sidewalks in the City to be defective under Sherwood Municipal Code Chapter 12.08 for Areas 3, Phase 4

Craig Sheldon Public Works Director came forward and explained the ordinance as an ongoing sidewalk program where a fee was established in 2011 with an assistance program. He said with this phase 4 of area 3, there are 130 properties that if approved the property owners will be able to sign up for the program that would be 50% off the sidewalk bill using our contractors.

Council President Henderson asked if anything has substantially changed since we started the program, either how we are doing it or citizen notification? Craig replied no and explained we do more administrative work with the property owner now with the Public Works office and have 1-2 site visits, and can do more if needed. She asked if he considered the program to be successful. Craig replied yes.

Ms. Henderson asked what would have occurred if we had not instituted the program? Craig replied we would continue with the property owner having to maintain their sidewalks at 100% and there would have been an enforcement part of that. He said we are not having to do that.

Ms. Henderson asked if most residents take advantage of the program where they can pay it off through their water bill over time? Craig replied yes and said it depends on the repair and explained the types and costs of repairs.

With no other questions, the following motion was received.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO READ CAPTION AND ADOPT ORDINANCE 2014-007, SECONDED BY COUNCILOR FOLSOM, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

B. Ordinance 2014-008 Repealing Ordinance 2014-003, temporarily prohibiting medical marijuana facilities, and declaring an emergency

Julia Hajduk, Community Development Director explained the ordinance and stated that the City Council adopted Ordinance 2014-003 in February 2014, which temporarily prohibits Medical Marijuana facilities for 150 days. She said at the time we expressed that was a tight timeline and was the maximum recommended by legal counsel. She said since that time the legislature passed additional legislation that allowed jurisdictions to declare a moratorium or prohibit the siting of medical marijuana facilities until May 2015. She said we would like to take advantage of that additional time to see what happens in the next legislature and it will also give staff additional time to explore what the community would be interested in doing if we were to adopt code language regulating the siting's. She said at the Planning Commission meeting next week there will be a public work session and one of the topics will be medical marijuana dispensaries. Julia stated staff recommends the adoption of Ordinance 2014-008 repealing Ordinance 2014-003 and offered to answer Council questions.

Councilor Folsom asked if the Planning Commission public work session will allow citizen input. Julia replied yes and explained the format of the session and said there will be tables set up and commissioners will be facilitating discussion and having dialog.

Mayor Middleton commented regarding getting the information tonight and said everyone should be receiving it as it is late coming out.

With no other questions, the following motion was received.

MOTION: FROM COUNCILOR FOLSOM TO READ CAPTION AND ADOPT ORDINANCE 2014-008, SECONDED BY COUNCILOR HENDERSON, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

C. Resolution 2014-021 Accepting review of Operating Agreement with Sherwood Family YMCA and directing renegotiation of Operating Agreement

City Manager Joe Gall stated two weeks ago the Council met with Rob Moody from the City auditing firm of TKW, and reviewed a report from Mr. Moody of his review of the operating agreement. Mr. Gall stated Mr. Moody has a series of recommendations in the report. He said after that discussion and after the Council Executive Session the report was released to the public. He said the direction from the City Attorney's office is for the Council to formally accept the report and accept the work done by the consultant and hopefully then direct staff to begin the negotiation process with the Y. He said this is also the opportunity for the Council to publically comment on the report.

With no questions or comments from the Council, the following motion was received.

MOTION: FROM COUNCILOR GRANT TO ADOPT RESOLUTION 2014-021, SECONDED BY COUNCILOR LANGER, MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Mayor Middleton addressed the next agenda item.

D. Discussion of Motion to Take from the Table Resolution 2014-003, A Resolution removing Commissioner James Copfer from the Planning Commission

Mayor Middleton asked Assistant City Manager Tom Pessemier to explain the process. Tom reminded the Council that they previously took action to table Resolution 2014-003 to an unspecified time in the future and in order to remove it from the table they will need to make a motion to remove it from the table for consideration. He said it would need to be a motion with a second, cannot be debated or amended. He said if it is successful you can consider the resolution, if it is not successful, it remains on the table.

City Attorney Crean reiterated that the motion is not debatable. He said if you want to discuss the wisdom of taking it off the table and placing the question before you again, do that before a motion is made, because once the motion is made, it is not debatable.

Mayor Middleton stated he brought this business forward due to an article that was in the paper. He asked Tom Pessemier if the article was truthful. Tom replied that he did not read it in detail and said there were things in the article that he would definitely go back and look at the record to see if they were and he has not done that at this point.

Mayor Middleton asked Julia Hajduk and stated she took notes at the meeting. Julia responded that it was generally truthful and said she checked with Brad Kilby after the meeting held with herself, Mayor Middleton, Council President Henderson and Mr. Copfer, and said we don't believe the Planning Manager told him (Mr. Copfer) that the purpose of the meeting was to discuss him being removed from

the Planning Commission. She said she does not know if this was the way Mr. Copfer perceived it and said Brad made it clear that was not stated.

Mayor Middleton commented that Mr. Copfer did not attend a meeting we were going to have that night and arrived 45 minutes late to the training session we were going to have regarding this issue. He said that is part of the reasoning behind this and said we need to be more honest and upfront when writing articles and said he did not believe bringing that out helped the Planning Commission and believes it harmed the commission, and said he would like to bring the motion back.

MOTION: FROM MAYOR MIDDLETON TO BRING THE MOTION BACK, THE DISCUSSION OF THE MOTION TO TABLE THE RESOLUTION 2014-003, SECONDED BY COUNCILOR CLARK. MOTION FAILED 2:5 (MIDDLETON AND CLARK IN FAVOR), (HENDERSON, GRANT, FOLSOM, LANGER AND BUTTERFIELD OPPOSED).

Mayor Middleton stated we will rewrite the resolution and bring it back.

Mayor Middleton addressed the next agenda item.

8. CITY MANAGER AND DEPARTMENT REPORTS

City Manager Gall reported on April 8th the Planning Commission will be holding two work sessions, a TSP Update work session from 6 pm to 7 pm and a public work session from 7 pm to 8 pm to discuss medical marijuana, the TSP and general code updates. He commented on the success of these open work sessions in the past and Julia stated we are modeling the format we used for the Town Center discussions. She explained they will have 4 tables on separate topics and the commissioners will be facilitating the discussions. She said this will help the Planning Commission as they move forward.

Mr. Gall informed the Council the League of Oregon Cities (LOC) is holding a work shop on May 1 at the Lloyd Center to discuss marijuana and encouraged the Council to attend along with City staff.

Mr. Gall informed the Council that the Aleali vs. City appeal is expecting a decision tomorrow.

Mr. Crean said that the decision should be posted early in the morning and Mr. Gall said that they would put it on the website.

Council President Henderson asked Mr. Crean to explain the appeal. Mr. Crean briefly stated the decision was made by the Planning Commission and was not appealed to the City Council. He said several months later it was appealed to LUBA by a resident who lives about 800 feet from the Walmart site. He noted that for quasi-judicial proceedings the City is required to send noticing to properties within 100 feet. He stated that Sherwood has gone beyond that and requires itself to send notice to properties within 1000 feet. He noted LUBA said their jurisdiction extends only as far as the statute. He said LUBA's decision to dismiss the appeal was appealed to the Court of Appeals so the question before the court is the effect of the City's 1000 feet notice requirement and whether it expands LUBA's jurisdiction and whether somebody beyond 100 feet but less than 1000 feet who claims to have not been noticed can appeal beyond the 120 days. He said they defended LUBA's decision at the Court of Appeals and commented that if the decision is upheld the only recourse for the appellant is the Supreme Court and it is unlikely that the court would hear it. He commented that if the City loses, the case will go back to LUBA and a number of things would be considered, one of which is did the resident get noticed and he

referred to an affidavit that notice was mailed. He said we go back to LUBA on decision of notice and if the Planning Commission's decision was correct. He concluded that the case is to determine the effect of the City's noticing requirement on LUBA's jurisdiction.

Mayor Middleton addressed the next agenda item.

9. COUNCIL ANNOUNCEMENTS

Councilor Butterfield reported on the Parks Advisory Board and their work on a location for a dog park. He said they are looking at several areas along with costs.

Councilor Folsom asked if there are any updates on the Cedar Creek Trail. Julia Hajduk commented that they just received a revised statement of work from the consultants and said Senior Planner Michelle Miller is planning on going to the Parks Advisory Board at the next meeting to provide an update.

Councilor Henderson asked staff if we are enforcing the 2 hour parking in old town Sherwood. She said the signs have been there for years and said this was something we consciously did, to not enforce during the Streetscape Project because it was disruptive enough. She said she was asked by a downtown merchant if the City would or would not be enforcing the 2 hour parking or change it from 2 to 3 hours.

Councilor Langer said this came up at a Sherwood Main Street meeting and commented regarding the meeting discussion of whether or not there was enough force for the committee to come before the Council and ask if the parking was going to be enforced or not enforced or to have signs removed.

Councilor Folsom commented regarding a Cultural Arts Commission member who is also a resident in old town that received a citation during an event.

Mr. Gall noted neither Chief Groth nor the Code Enforcement Officer are here but said that the Mayor heard from some citizens regarding the desire to enforce and said the City began to enforce the 2 hour parking in old town. He said they were mostly warnings with a few citations issued. He said he believes this is an important issue to discuss and said if we are not going to enforce it the signs should be removed. He commented regarding other cities having similar issues, discussions at the Main Street meeting, and issues with employee parking and said this is a bigger issue versus a simple answer tonight. He commented regarding the Council setting this policy and commented regarding having limited resources. He said unless the Council thinks differently, he believes the signs should come down.

Mayor Middleton commented that initially there was a transient parking problem where the park and ride people were parking there all day. Mr. Gall commented on the current parking conditions with the construction of the Community Center.

Mayor Middleton said that we could put it on a future agenda to discuss. Mr. Gall said that it could be a work session and staff would make sure the businesses in old town are aware of it. He commented that it is problematic to have signs up and not enforce them.

Council President Henderson asked Mr. Langer what the Sherwood Main Street merchants were requesting at the meeting. Mr. Langer said there was polarity on both sides.

Ms. Henderson said she made a suggestion a month ago to consider amending the Council Rules with respect to formal representation any Councilor has at a Board or Commission or any organization where we request formal representation. She referred to section Q Item 3 of the Council Rules that mentions Councilor liaisons and said she would like to make a motion and poll Council if they would consider amending Council Rules at the next meeting on April 15 to either change the name liaison to representation and to amend Section A which states the Mayor will appoint Councilors to liaison positions to City Boards and Commissions, including ad-hoc committees and limited term committees as the Mayor deems necessary and said she would like to recommend amending that section to state Council representation and said then the Mayor will appoint Councilors to any representative position representing the Council at any Board. She said any formal representation that the Council chooses to have at any public, private, nonprofit, state, county or federal, that the Mayor appoint by resolution with the consent of the Council. She said that is her motion and she was hoping the Council would consider that and the staff would work on the amendment language to the Council Rules.

Mr. Crean said that if it is done by resolution it would by necessity be by the consent of Council. He said the language would be all liaison positions will be appointed by resolution.

Councilor Folsom said within the resolution we could discuss terms, etc. and they may vary over time. She said we will be setting up a basic structure that will leave little ambiguity.

Councilor Henderson recommended that we do it formally so we have a record and it is clearly defined.

Councilor Clark said the underlying idea is a good idea and said that the problem she has with it is we have been told by legal that the Council Rules are a guide, so for us to spend a lot of time reworking the rules and coming up with resolutions seems like a waste of time. She said if we are not going to follow it and it has no legal basis why are we spending time with it.

Mr. Crean said they are not a statute or a constitutional provision or an ordinance, they are adopted by a resolution and are as binding as any other resolution. He said there is a provision for sanctions in the rules that require a majority, but it is something the Council polices on its own.

Councilor Folsom said she thought the conversation that was had was that we would do this now to help the Council as the Mayor has requested the Council follow the rules. She said she believes as a body we are looking for a way to more smoothly navigate and commented regarding making sure the legacy we leave is less ambiguous than it has been and said legal and staff can help us do that.

Mayor Middleton said he doesn't have a problem with it and is surprised that this is coming up after 12 years and said he understands the reasoning behind it. He asked what the sanctions were if people don't go by the rules.

Councilor Henderson read from page 6 that says; *the Council will make and enforce its own rules and to ensure compliance with the City and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect the Council's integrity and discipline the Council member with a public reprimand. The Council may investigate the actions of any Council member and meet in executive session to discuss any findings that reasonable*

grounds exists and a substantial violation has occurred. She said the Council member under investigation may request a public open hearing. She said this sounds like a due process to her.

Mr. Crean referred to paragraph A with the language of, *if a Councilor has reason to believe that another member has substantially violated the rules the Council may take action*, he said keep in mind that for the Council to take action it requires a majority of the quorum.

Councilor Henderson referred to the City Charter Section 10 Chapter 3, which says, *the Council must by resolution adopt rules to govern its meeting.* She said these rules were adopted in 2007.

Mr. Crean commented on past attempts to amend the rules.

Councilor Henderson said that her intent is to make this a transparent process just like when we appoint citizens to boards and commissions and have a record.

Mayor Middleton said the only problem he has is that if one Councilor violates it and substantially violates it he does not believe they would have a quorum to support. Mayor Middleton referred to a newspaper article and Council President stated she was referring to Council liaisons and asked to finish her motion.

City Recorder Note: the following motion is summarized from Council President Henderson's comments, see page 7 of minutes indicating a motion.

MOTION: FROM COUNCIL PRESIDENT HENDERSON TO DIRECT STAFF TO BRING A RESOLUTION TO THE APRIL 15 MEETING TO AMEND THE COUNCIL RULES TO STATE ALL LIAISON POSITIONS WILL BE APPOINTED BY RESOLUTION, SECONDED BY COUNCILOR FOLSOM. MOTION PASSED 5:2, (HENDERSON, GRANT, FOLSOM, LANGER AND BUTTERFIELD VOTED IN FAVOR) (MIDDLETON AND CLARK WERE OPPOSED).

Mayor Middleton explained that if someone violates the rules it will be a popularity contest. He referred to an article that stated the Mayor and Krisanna have a certain agenda but it does not have broad support amongst the Council and commented that they have already decided. He said the article said they keep doing stuff without the support of the Council and said it causes awkward situations and he said that is a violation of the Council Rules.

Councilor Folsom commented she believes that is an opinion and the rule he is referring to is under Section E.3.k, which states; *Council members will not criticize or attack each other, City staff or other persons.* She said it is an opinion whether that was an attack.

Mr. Crean pointed out that Section 3.E under Council Discussion and Decorum and said if you read the introductory statement it says the following ground rules will be observed to maintain order and decorum during Council discussions. Councilor Folsom clarified and outside of that? Mr. Crean answered these rules do not apply.

Mayor Middleton referred to organizations and media.

Mr. Crean said there are two issues being discussed, the first is the appointment of Council liaison positions and the second is whether there should be sanctions and what the process should be. He said these should be separate discussions.

Mayor Middleton said he would like to discuss the second issue, organizations and media and said if the Mayor or Councilors represent the City before another governmental agency or the media or community organization, the Council member should first state the Council majority position.

He said personal opinions and comments should be expressed only if the Councilor makes it clear that it does not express the Council's position and said this was not done in the referred to article.

Councilor Clark said that she believes it is also covered under Section G.

Mr. Crean said he looked at the articles and discussed them at his office and he did not see any comments made by the Councilors or the Mayor that violated the Council Rules. He said there were a lot of generalized statements and opinions offered but he does not think anyone took the position that this was the position of the City Council. He said as the City Attorney he does not believe the Council Rules were violated but reminded the Council that he does not enforce the Council Rules. He said if you want to change the Council Rules for how to enforce them that is a discussion they can have.

Council President Henderson asked if staff needed clarification. The City Recorder responded staff would refer to the recording.

Councilor Folsom thanked the past Chairman of the Cultural Arts Commission Alyse Vordemark for her four years of service and for her vision. She said they are trying to improve the attendance at the Pix on the Plaza with working with the Main Street organization and downtown businesses to use this event as leverage to bring some economic impact to old town. She commented on visual arts and asked for community involvement and announced the Missoula Children's Theater will return this summer for the 11th year and registration opens on May 1st. She commented on the Senior Center and thanked the Director for the recent work session with the Council.

Councilor Folsom stated she has been reviewing the Council rules and would like to make a motion to direct staff to come back with wording on Section D concerning the agenda, Number 2.

She referred to the collaborative effort between the Mayor and the Council President last year to work on the agenda and said her intent is to get back to that collaborative process between two members of the Council, the Council President, the Mayor and staff. She said this is largely a nice way to have it and read; *preparation and scheduling of agenda items will be approved by the Mayor. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communications with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 9:30 pm.*

She said what she would like to do for the future, is something that Mayor Middleton brought when he took office last year, which was a collaborative approach of having the Council President at the table with him. She commented that the current agenda was changed four times in the past day and was embarrassed as she did not get to it and said she was grateful to staff for providing the amended agenda. She stated her motion as:

MOTION: FROM COUNCILOR FOLSOM TO DIRECT STAFF TO AMEND AGENDA ITEM NUMBER 2, WITH HER INTENT AS INDICATED, SECONDED BY COUNCILOR LANGER. MOTION PASSED 5:2 (GRANT, LANGER, HENDERSON, FOLSOM AND BUTTERFIELD IN FAVOR), (MIDDLETON AND CLARK OPPOSED).

Councilor Grant stated in regards to the agenda, he was also embarrassed that the agenda for tonight was not published to the citizens and apologized to them. He said one of the items removed from the original agenda was listed under Consent, Resolution 2014-018 regarding the Council appointment to the WCCC. He asked why this item was removed from the agenda.

Mayor Middleton responded that was his decision and it was made.

Councilor Folsom referred to an email sent by City Manager Gall that was from the County and said it clarified and stated; *it is expected that the WCCC representatives are appointed by their respective City Council.* She said this appears to her that it require a majority vote.

Mayor Middleton responded that it does not.

Councilor Grant stated he fears our representation on this board is jeopardized or weakened by the fact that we have no true representation by their standards or by this Council. He said he believes this puts the City in a weaker position than other people at that table. He said he doesn't know why the Council can't do this the way it's always been done. He referred to a previously adopted resolution appointing the members and said now we don't have this.

Councilor Folsom asked the City Recorder what is the WCCC. Ms. Murphy responded Washington County Coordinating Committee, Ms. Folsom said they deal with transportation issues and staff provided additional information.

Community Development Director Julia Hajduk stated the WCCC is the coordinating committee of elected officials in Washington County and are primarily transportation related and they make recommendations to Metro and the County Board of Commission regarding funding decisions. She said they also authorize expenditures of transportation development tax funds for local jurisdictions to spend.

Councilor Folsom referred to this being the group where \$35 million was allotted for projects, the MISTIP Funds? Julia replied yes and said it did not rest solely with them, but they were a key part of the discussion. Ms. Folsom said for a long time Sherwood was passed over for those MISTIP transportation dollars and when our projects and staff were ready we received a large percentage of the dollars and were prepared and represented at the table. She said she currently understands the record the County currently has, as the Mayor is the representative, Council President Henderson is the first alternate and Councilor Clark is the second alternate. She asked why did we need to make a change.

Discussion followed regarding the method used by the City when previously designating the Council members to the WCCC.

Councilor Clark asked staff if the Mayors are predominately the representation on the WCCC. She said Mayor Middleton called her last year and said he asked Council President Henderson to attend in his absence and she declined. Ms. Henderson replied that is not true.

Councilor Clark said the Mayor asked her to attend in his absence and she agreed. She said she doesn't know if there is a problem with Councilor Henderson having her attend and she has attended several times and is happy to attend.

Councilor Grant interjected and said this is no disrespect to Councilor Clark and said this is not about Councilor Clark, he said he hoped not to get into a discussion of who the representative is, but the fact that we don't effectively have representation by their standards and said he is open to discuss who attends. Councilor Grant reiterated we need to do this by their standards and made reference to the previously adopted resolution adopted during Mayor Mays' tenure.

Councilor Folsom asked the City Recorder to provide information. Ms. Murphy replied there was a resolution adopted in 2012 during Mayor Mays' tenure and the resolution indicated the primary member and the alternate. She said in 2013 the City drafted a letter at the Mayor's direction indicating the primary and the alternates, the primary being Mayor Middleton, 1st Alternate being Council President Henderson and 2nd Alternate being Councilor Clark. She said that letter is the current document the County has.

Julia Hajduk added that was based on the Council discussion at their Goal Setting meeting where the Council discussed liaison appointments and assignments and when we drafted that letter we referenced those meeting minutes so there was a clear indication that the Council was aware and in support of the appointments. She said as far as the WCCC is concerned that is what stands and is their understanding.

Councilor Grant replied they essentially gave us a pass from their written rules. Julia replied their written rules don't actually state a resolution, they state that the Council shall appoint. She said the County sent a letter saying they wanted it by resolution and she clarified recently, as we have done it both ways, which manner they prefer and they said they just need to know the Council is supportive of the appointment. She said it doesn't necessarily have to be by resolution.

Councilor Grant replied this is the most transparent way to state to the public and to go on record, whether it is a motion or a resolution. He referred to County funds provided to the City and said for us to not work well with them, he believes if fool hardy and said we need to hear what they are asking for, as we ask a lot of them.

Councilor Clark replied she agrees and said Chris Crean and Julia have stated clearly that we have given them one that they require. She said if a resolution is something Councilor Grant would be more comfortable with that is something different, we have given them a letter.

Councilor Grant suggested asking staff to bring forward a resolution that the Council can pass, he said it did not matter to him if the names were specified in the resolution or not. City Attorney Crean replied it is simple enough to bring forward a resolution leaving the name sections blank, naming a person and the alternate. Councilor Grant stated okay, this is my motion.

Councilor Langer stated he seconds the motion.

MOTION: FROM COUNCILOR GRANT TO DIRECT STAFF TO BRING FORWARD A RESOLUTION FOR COUNCIL CONSIDERATION APPOINTING CITY REPRESENTATIVES TO THE WCCC,

LEAVING THE NAMES BLANK TO BE DETERMINED BY THE COUNCIL. SECONDED BY COUNCILOR LANGER. MOTION PASSED 7:0, ALL MEMBERS VOTED IN FAVOR.

Councilor Grant referred to the meeting agenda and said we took a vote to not un-table, a motion to remove Jim Copfer from the Planning Commission and said he is not sure if he heard the Mayor correctly and said he heard the vote was 5:2 to leave it. He said the Mayor said something to staff and he is not sure he or the citizens heard or understand what was said. He said he wants to make very clear what is going on as the Council has made clear direction on this issue tonight.

Mayor Middleton replied the direction was to bring back a new resolution with the specifics of why we are talking about possibly removing him.

Councilor Grant replied this is skirting the clear direction Council gave to staff and said he believes this is divisive. He commented regarding hearing from the Mayor that we need to work together. He said here we have something that in his opinion has never had any work done to get it passed, therefore it's going to fail, unless something is different. He said when we put something on the agenda we are making a statement to the citizens that we work together toward the hope of getting it passed and that hasn't happened here and believes this is being dishonest to the citizens. He said the citizens need to understand this is being put on the agenda with the knowledge that it will fail and believes this is a divisive act that serves to divide the Council. He said unless something new is going to come forward about this member of the Planning Commission.

Mayor Middleton replied he did not believe Councilor Grant has the facts. He asked for additional Council announcements.

Councilor Langer provided a Chamber of Commerce update and said Rep. John Davis is hosting a complimentary legislative update and breakfast on April 22, at 7:30 am at the Sherwood Police Station. He reported the Chamber and the City are beginning some business walks at lunch that begin this spring for local leaders to learn more about the business community. He reported the Les Schwab Cruisin' and custom car show is set for June 14, 2014 in old town. He said after receiving feedback from local Sherwood vendors, the Chamber will host a Sherwood Retail Wine Tour this fall. He reported nominations are being accepted at SherwoodChamber.org for the Best in Sherwood Awards in categories of large business, small business, business leader of the year, citizen of the year, commitment to youth, golden apple award, outstanding community service and outstanding youth.

Councilor Clark said she agrees with Councilor Grant on a couple of points and that is we are no longer working as a Council and believes there are lots of components to that. She said Councilors have pulled out things that it might be and those might be components, but she believes a component she has seen is use of the media in a way to divide. She believes that Councilor Langer did this is the last article when he brought her name out in an article about something the Mayor had brought up and she had never sent an email about or never had a discussion with him about and said she is not sure why her name appeared. She said Councilor Langer continued to state she had an agenda and asked how he would know what kind of agenda she has and what that would be. She said the only agenda she has is serving the citizens of Sherwood, and the rest of the Council did not agree with that. She said he is either insulting me or the rest of the Council. She said either way, that is very divisive and she believes we have gotten to the point where we need to stop treating topics as taboo topics and if the Mayor wants to bring up something that you don't agree with then that is okay, we can talk about that. She said she knows there was a lot of push-pull when she brought up the financial issue of the YMCA contract and

said, look what we got. We got a review that we all agreed on the position that we need to renegotiate the contract, move forward and be more accountable to the public. She said this is not a taboo subject and doesn't believe we should have taboo subjects and we should be able to bring things forward and talk about them in a respectful manner and not say we have agendas or ulterior motives. She stated this would help her and said she doesn't like reading her name in the paper when she hasn't talked about a subject and said you have no idea what I feel about the subject, just to throw my name in the paper.

Councilor Clark reported Briana Dannen and her husband had a baby girl born March 10th and said Briana is the recipient for the Egg Hunt for Hope. The event is April 12th at Laurel Ridge and pre-hunt starts at 12:30 and the hunt starts at 1:30. Briana is a Sherwood High School teacher and is fighting cancer. Councilor Clark encouraged people to attend and said her late husband was the recipient of the 3rd annual egg hunt and this is the 8th annual. Councilor Clark briefed on how the event has grown over the years and said media will possibly be at this year's event.

Councilor Clark reported on the Arbor Day event and said the planting is a Sherwood City event, to be held this Thursday 3:30-4:30 pm at the swale at Stella Olsen Park. She said she and her kids participated last year and expressed how much fun they had even in the rain. She said it's a celebration of life and of growth. She encouraged people to attend and bring their kids. She reported that she attended the 3rd Annual All District Band Festival and said it was amazing with 326 band students gathered at the Sherwood High School gym. She recognized the middle schools and high school band instructors. She provided a brief overview of the event and stated we are blessed to have this kind of talent and support.

Councilor Clark reported on meetings she has attended and said she enjoys attending these meetings whether or not she is the Council representative and will continue to attend. She stated she enjoys hearing about transportation and infrastructure and strongly feels we do need people at the table working collaboratively with other communities. She reported on the WCCC meeting and their discussion of a Trimet report, she reported on the Westside Economic Alliance State of the County address given by Andy Duyck. She said Washington County is in a wonderful position and is the best producing county in our region and has the lowest unemployment. She said she has been appointed to the LOC Water and Waste Water Committee and Taxation and Revenue Committee and said there is a lot of documentation on house bills and senate bills that are associated with these two committees and said staff has assured her that we can provide a link to the LOC website to view information on these committees. She said the information is very interesting and affects us and our neighbors.

Mayor Middleton stated he had a few comments, one of which is a response to comments regarding dividing the Council and said the person that made that comment is the person that brought up during their special meeting this big grand plan of having our liaison done, which was a two year position as all positions were. He said he agrees that Linda should be back on the WCCC and said this was a two year commitment. He said this doesn't seem to stand for anybody else, everyone else can run around and go behind everything. He stated he has had little support from a lot of the Council, he said he believes what has divided the City was the Walmart issue and believes the biggest problem with that is we have people on here that are still pushing that agenda and they need to move forward and take care of the people of Sherwood not their own personal money making agendas.

Mayor Middleton addressed the next agenda item.

10. CITIZEN COMMENTS

Nancy Taylor Sherwood resident came forward and stated in light of what is going on in Oso Washington she thinks that as a Council they have to be extremely cognizant of the fragility of the land and said you are stewards of the land in your positions. She said people are asking why the government allowed them to develop in an area that was landslide prone. She said the data they use today is over 30 years old because there is no funding for landslides and for fragile areas. She said Sherwood is in the middle of some fragile areas, the Tonquin Quarries and the area over here. She said you all voted to let that go through and she thinks people are now looking at those votes and she knows Tualatin is re-looking at that. She urged the Council as stewards of the future, as people who are making decisions that when those decisions come to fruition you won't be here, you will have moved on. She said the US Geological Survey provides information but they do not have any way of enforcing it. She said people look to you to enforce basic good common sense. She said we live in an area where we get a lot of rainfall and it has to go somewhere. She said if you over develop, over pay and don't take some common sense and look at the infrastructure, what happens, you flood. She stated she used to live in Snohomish and there were times when you could not get in and out of town because you're blocked in by the area and yet they still developed it. She said as you are making plans for the future think about Oso and the people. She said there is an article in the Willamette about how we get our news, she urged the Council to read it and said we as citizens are being underserved by the papers and made reference to tea party billionaire blogging going on in the news. She said everybody knows the agenda if you listen to any good knowledge out there you will find that a lot of people have a lot of extra time so they blog on news sites and said it's not necessarily true. She said she doesn't think Sherwood is divided, she thinks the Mayor was voted in by a majority of the people for a reason and she believes those people are still behind him, with the exception of the people in the room.

Sabrina Kirkpatrick came forward and said the YMCA of Columbia Willamette is aware that the City of Sherwood's outside firm of Talbot, Korvola & Warwick, LLP has reviewed our contract with the City, we have received the results and continue to hope to have a great partnership with Sherwood residents. She said over the past 15 years the agreement between the City and the YMCA has produced the following benefits, the YMCA provided over \$325,000 annually in free or subsidized services to 1135 individuals and families who could not participate otherwise. This includes programs and services for the homeless assistance, SNAP and the Transition Program. The Sherwood YMCA raised the initial \$125,000 for the pool slide and the buildings opening, they have made annual payments to the City to pay debt service expense for building expansion that enclosed the gym, added 5000 square feet in programming space and 5000 for the Teen Center. She said as part of this expansion the YMCA raised \$250,000 in capital gifts. The YMCA subsidized the operation of the Teen Center each year which has made the center free to all teens in the community, providing a safe and positive place for the past 12 years for teens after school. She said over the years City Managers and the YMCA of Columbia Willamette agreed to forego the annual operating surplus for the Sherwood YMCA if any, as allowed by the agreement. She said both parties did this to improve the City's owned asset and strengthen the Sherwood YMCA operation. She said this represents a gift to the City and the community by the YMCA exceeding \$225,000, in addition the YMCA of Columbia Willamette by contract can charge 15% of management services and in some years the YMCA of Columbia Willamette has charged less putting the money back into the Sherwood Y for upgrades. She said the management service fees charged through 12/31/2012 are \$4,308,140 the management service fee charged through December 31, 2012 are \$4,725,393, the difference of \$417,253 represents an annual investment made by the YMCA of Columbia Willamette towards the success of the Sherwood YMCA. She said this has allowed the YMCA to invest nearly \$950,000 in capitalized programs and building improvements through 2013. Our capital purchases made through 12/31/2012 equal \$757,693 and capital purchases made in 2013 equal

\$191,428. She said the Sherwood YMCA Executive Director and staff are very involved in community events and take a leadership along with the volunteer board of managers, events such as Cruisin' Sherwood, Community Services Fair, Onion Festival and many others. She stated these events are strengthened by YMCA participation. She said the YMCA values the special relationships they have with the City and the community and look forward to continuing to serve the community in the future.

City Recorder note: Specific dates and dollar figures were confirmed with meeting recording and are written as presented.

Terrie Emmons resident of 97140 zip code came forward and stated now that the City and the YMCA have reviewed the contract, it's the Board of Managers hope that we can stop looking backwards and start looking forwards. She said as the City and YMCA staff members begin to look at potential contract revisions, the Board hopes that everybody keeps something very important in mind, that the YMCA is more than a gym. She provided the examples, during the past snow storm when many Sherwood businesses were closed, including the City of Sherwood, the YMCA remained open as an emergency shelter. She said the staff often remained overnight to ensure they could open on time and plans were put into place to ensure there was always someone there. She said the YMCA serves as a homeless shelter and up until recently when the no camping resolution was passed there were a couple families that would sleep in their cars in the parking lot. She stated even though they can no longer do this the YMCA still offers many services including showers, use of computers, use of the kitchen and other services. She said the Y supports the community with programs for special needs with the SNAP Program and Youth Transition Program which serves 18-21 year old group. She said this is due to collaboration between the high school and the YMCA, both are funded by the annual support campaign through the YMCA, not through City funds. She said another example is the Teen Center to keep our kids safe, away from drugs and surrounded by caring adult mentors during critical after school hours when parents are working. She said the Teen Center is fully supported by our annual support campaign. She said she believes those who formed the relationship between the City and the YMCA originally had the right idea in mind and she would venture to guess if the YMCA were not here those services would not be available to our kids, the YMCA is more than a parks & rec district, more than a gym, it's a community center based on building relationships that focus on the needs of the community. She said she hopes that City staff and the YMCA can work together to develop a new and innovative contract that continues to meet the needs of the City and the community.

Naomi Belov Sherwood resident came forward and reminded of an upcoming community service event sponsored by the City this year. She reported on last year's events with 100 volunteers and their partnership with SOLVE and said it was one of the largest SOLVE events in the state. She said they are hoping for a lot of volunteers and asked the Councilors if they were interested in sponsoring their own teams and said they are looking for 10 teams with 10 volunteers each and she encouraged businesses in town to participate. She said the Mayor will be the judge of the strangest piece of trash contest. She said SOLVE will be providing the gloves. Ms. Belov commended City staff Jennifer Ortiz for her work on the event. She said the events starts at 10am and said the Refuge will have a display and Blue Plume will have an art display. She said the trash hunt begins at 10:30 and lasts about 1 hour, she said the teams will have a route from Cannery Square and will walk around town. She said teams can ask for safer routes if children are involved and encouraged Boy Scouts and Girl Scout troops to sign up. She showed a poster containing registration information and encouraged preregistration. She informed of sponsor's, Al's Garden Center, Halgren Construction, Da Mimmo's Restaurant and Albertson's and said radio Disney will be there and a performance is scheduled for the end of the event. She said the name of the event is Trash Palooza, to be held on April 26th, 10am to noon.

Jim Claus Sherwood resident came forward and said Williamson Regional Planning Commission vs Hamilton National Bank is the guiding case in the Supreme Court on exhausting administrative remedies and reaching finality. He said Beery Elsner and Hammond are working on this as they move through the administrative hearing. He explained as a cautionary note why they are doing this and provided an example of moving a storm water facility. He commented regarding this being a 14th amendment taking. He said this starts with the land use process, moves into engineering and moves into a building and inspection stage. He said if those stages get mixed up and you're calling a building inspector on one individual and not another, and then calling the state building inspector someone has gotten away with a lot of money they haven't spent. He commented regarding the problem with this as being a 5th and 14th amendment taking, under title 42, USC 1983 88. He cautioned to be careful what is done and said rules are granted wide discretionary power and someone goes beyond the code that is beyond the scope of his employment. He commented regarding ex parte contact and clients of doctors and dentists and fluctuating rates that are charged. He commented regarding use of City parking spaces and issuing an occupancy permit and forcing a new problem on occupancy permits elsewhere, you might have a problem. He commented regarding allowing someone to move into ½ acre, tearing it up and then not move in when willing to prosecute somebody two days before cancer surgery over graveling a word. He commented regarding being able to trace this back to ex parte contact. He shared information on a supreme case he worked on and said his work came out very well and the code he wrote came a model of the US. He said the losses you are inflicting on the developers in town are running into hundreds of thousands if not millions. He said this Council is responsible for it and referred to a building and the Council meeting in private and giving a contract to Capstone.

Eugene Stewart nonresident came forward and said he serves on the Sherwood Seniors Inc Board and said he is glad to hear we are going to have cooperation with the Y. He said he understands they wanted to start a Silver Sneakers Program and the Senior Center and the director recognized that is a proprietary program and they need the okay from the Y to do it. He said they had a volunteer instructor to come in and said they had a few seniors who would prefer to come to the senior center rather than go to the Y. he said it would be nice to see the spirit of cooperation come forward. He reported the senior center is in need of transportation and the Y has a few buses and asked if a program could be worked out to have transportation for seniors to come to the center for lunch. He said these are great opportunities to move forward. He thanked Public Works Director Craig Sheldon for the work performed on the lot next to the senior center and said Council needs to form a volunteer program to help support public works to maintain our parks. He said the City of Portland does it.

Tony Bevel Sherwood resident came forward and asked why the Council and the City and other towns in Oregon are afraid of medical marijuana dispensaries. He said he thinks it is going to happen and said when it does he can't see dispensaries on every corner of the City similar to coffee shops. He asked why would we be against this. He explained a card issued by a physician is required and compared it to being 21 and purchasing alcohol and alcohol being more harmful. He said he believes this is something the City should embrace and maybe the City can make some money. He commented the fear of our children being corrupted in some way and said he did not believe this would happen as people who are doing it are doing it currently. He said you hear about crime and people breaking into garages and apartments and compared it to a recent burglary in town to steal alcohol. He said it has to be regulated and said "emergency" is a strong word and doesn't believe this is an emergency.

Mayor Middleton reminded Mr. Bevel of a planning commission meeting, where medical marijuana will be discussed. He said we are not trying to totally outlaw them we are trying to regulate the manner we do it.

Sean Garland Sherwood resident came forward and announced that on April 26th the first Annual Jigsaw Puzzle Competition put on by the Sherwood Foundation for the Arts will be held at the Sherwood Police Station on the community room. He said the event will be open to kids and adults starting at 9am to noon, with two different competitions, ages 7-10 and ages 11-14. He said from 1pm-4pm will be the adult teams and 1pm-4pm will be a four person family team. He said registration is on the Sherwood Foundation for the Arts website and said there will be prizes for 1st -3rd place in each division and competitors get to keep the puzzles. He said sponsors for the event include Mud Puddles, Sesame Donuts, Safari Sam's, Rose's and Ultimate Tan & Spa.

Mayor Middleton reminded of the Trash Palooza event held on the same date as the Jigsaw Puzzle event and brief discussion was held regarding relocating the event.

11. ADJOURN

Mayor Middleton adjourned the meeting at 8:50 pm.

Submitted by:


Sylvia Murphy, MMC, City Recorder


Bill Middleton, Mayor